

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

DESIREE TINSLEY,
INDIVIDUALLY AND AS NEXT
FRIEND OF DE'KYRIE H. TINSLEY
A'NYLA TINSLEY
AND MICHAEL ANDERSON, JR.
Plaintiffs,

v.

UNITED STATES OF AMERICA
Defendant.

CASE NO:

FEDERAL TORT CLAIM

COMPLAINT

COMES NOW, PLAINTIFFS and shows this Honorable Court the following:

VENUE AND JURISDICTION

1.

All Plaintiffs are residents of the Middle District of Georgia, Albany Division and Plaintiffs' causes of action arose therein. Venue and jurisdiction are proper in the United Districts Court for the Middle District of Georgia, Albany Division.

2.

Defendant United States of America may be served pursuant to F.R.C.P. 4(d)(4) by serving the United States Attorney for the Middle District of Georgia with a copy of the Summons and Complaint and providing a copy of the Summons and Complaint by certified mail to the Attorney General of the United States.

Plaintiff Desiree Tinsley is the mother of De’Kyrie H. Tinsley, A’Nyla Tinsley and Michael Anderson, Jr and is the proper party to bring this action on their behalf.

COUNT ONE PERTAINING TO THE CLAIMS OF DESIREE TINSLEY

3.

On December 6, 2021 at approximately 7:49 a.m. Plaintiff Desiree Tinsley was operating her vehicle in an Easterly direction along West Waddell Avenue approaching the intersection of West Waddell Avenue and Colquitt Circle. Plaintiffs De’Kyrie Tinsley, A’Nyla Tinsley and Michael Anderson, Jr. were occupants of the vehicle being driven by Plaintiff Desiree Tinsley.

4.

At the aforementioned time Jerry Glenn Cordle an employee of USPS was operating a USPS truck in a Northerly direction along Colquitt Circle approaching the intersection of Colquitt Circle and West Waddell Avenue.

5.

Traffic at the intersection of West Waddell Avenue and Colquitt Circle is controlled by stop signage requiring vehicles traveling on Colquitt Circle to stop and to yield the right-of-way to vehicles traveling on West Waddell Avenue.

6.

As Plaintiffs' automobile arrived at the intersection of West Waddell Avenue and Colquitt Circle, Jerry Cordell negligently failed to bring the USPS truck to a stop and yield the right-of-way to the vehicle being operated by Plaintiff Desiree Tinsley and thereby caused a collision with the vehicle being operated by Plaintiff Desiree Tinsley.

7.

As a direct and proximate result of the negligence and negligence per se of the agent and employee of USPS, Plaintiff Desiree Tinsley was violently thrown about the interior of her automobile and suffered personal injuries which caused and continue to cause her great pain of both body and mind. Additionally, Plaintiff Desiree Tinsley incurred medical and rehabilitation expenses in the amount of \$18,206.00 as a direct and proximate result of her injuries.

8.

Plaintiff Desiree Tinsley through her attorney filed a timely Form 95 giving USPS notice of Plaintiffs' claim. A copy of the transmittal letter, certified mail receipt and Form 95 (with exhibits omitted) is attached hereto as composite Exhibit "A".

9.

More than six (6) months has elapsed since the receipt of the Form 95 by Defendant USPS and no administrative action has been taken.

**COUNT TWO PERTAINING TO CLAIMS OF DESIREE TINSLEY AS
NEXT FRIEND OF DE'KYRIE H. TINSLEY**

10.

Plaintiff Desiree Tinsley as Next Friend of Plaintiff De'Kyrie H. Tinsley hereby adopts Paragraphs 1,2,3,4,5 and 6 of Count One of Plaintiffs' Complaint.

11.

Plaintiff De'Kyrie H. Tinsley, a minor, was a passenger in the vehicle being operated by Plaintiff Desiree Tinsley and as a result of the negligence and negligence per se of the agent and employee of USPS, Plaintiff De'Kyrie H. Tinsley suffered personal injuries which have caused her great pain of both body and mind. Additionally, Plaintiff De'Kyrie H. Tinsley incurred medical and rehabilitation expenses in the amount of \$2,562.00 as a result of her injuries.

12.

Counsel for Plaintiff De’Kyrie H. Tinsley filed a timely Form 95 giving Defendant USPS notice of Plaintiffs’ claim. A copy of the transmittal letter, certified mail receipt and Form 95 (with exhibits omitted) is attached hereto as composite Exhibit “B”.

More than six (6) months has elapsed since the receipt of the Form 95 by Defendant USPS and no administrative action has been taken.

**COUNT THREE PERTAINING TO CLAIMS OF DESIREE TINSLEY AS
NEXT FRIEND OF A’NYLA TINSLEY**

Plaintiff Desiree Tinsley as Next Friend of Plaintiff A’Nyla Tinsley hereby adopts Paragraphs 1,2,3,4,5 and 6 of Count One of Plaintiffs’ Complaint.

13.

Plaintiff A’Nyla Tinsley, a minor, was a passenger in the vehicle being operated by Plaintiff Desiree Tinsley and as a result of the negligence and negligence per se of the agent and employee of USPS, Plaintiff A’Nyla Tinsley suffered personal injuries which have caused her great pain of both body and mind. Additionally, Plaintiff A’Nyla Tinsley incurred medical and rehabilitation expenses in the amount of \$10,978.00 as a result of her injuries.

14.

Counsel for Plaintiff A'Nyla Tinsley filed a timely Form 95 giving USPS notice of Plaintiffs' claim. A copy of the transmittal letter, certified mail receipt and Form 95 (with exhibits omitted) is attached hereto as composite Exhibit "C".

More than six (6) months has elapsed since the receipt of the Form 95 by Defendant USPS and no administrative action has been taken.

**COUNT FOUR PERTAINING TO CLAIMS OF DESIREE TINSLEY AS
NEXT FRIEND OF MICHAEL ANDERSON, JR.**

Plaintiff Desiree Tinsley as Next Friend of Plaintiff Michael Anderson, Jr. hereby adopts Paragraph 1,2,3,4,5 and 6 of Count One of Plaintiffs' Complaint.

15.

Plaintiff Michael Anderson, Jr., a minor, was a passenger in the vehicle being operated by Plaintiff Desiree Tinsley and as a result of the negligence and negligence per se of the agent and employee of USPS, Plaintiff Michael Anderson, Jr., suffered personal injuries which have caused him great pain of both body and mind. Additionally, Plaintiff Michael Anderson, Jr., incurred medical and rehabilitation expenses in the amount of \$3,609.00, as a direct and proximate result of his injuries.

16.

Counsel for Plaintiff Michael Anderson, Jr., filed a timely Form 95 giving USPS notice of Plaintiffs' claim. A copy of the transmittal letter, certified mail receipt and Form 95 (with exhibits omitted) is attached hereto as composite Exhibit "D".

More than six (6) months has elapsed since the receipt of the Form 95 by Defendant USPS and no administrative action has been taken.

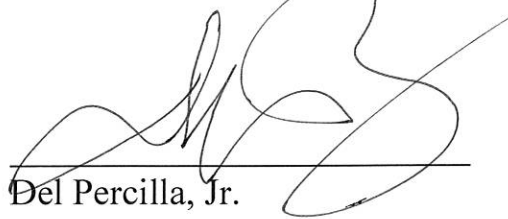
17.

WHEREFORE, Plaintiff respectfully demands judgment against the Defendant United States of America as follows:

- (a) in the sum of Fifty Thousand Dollars (\$50,000.00) together with all taxable costs for the claims of Plaintiff Desiree Tinsley;
- (b) in the sum of Twenty-Five Thousand Dollars (\$25,000.00) together with all taxable costs for the claims of Plaintiff De'Kyrie H. Tinsley by and through her next friend Plaintiff Desiree Tinsley;
- (c) in the sum of Twenty-Five Thousand Dollars (\$25,000.00) together with all taxable costs for the claims of Plaintiff A'Nyla Tinsley by and through her next friend Plaintiff Desiree Tinsley; and

(d) in the sum of Twenty-Five Thousand Dollars (\$25,000.00) together with all taxable costs for the claims of Plaintiff Michael Anderson Jr., by and through his next friend Plaintiff Desiree Tinsley.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Del Percilla, Jr.', is written over a horizontal line.

State Bar No. 571950

ATTORNEY FOR PLAINTIFFS

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